

Firearms Rights

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Representative Scott Hummel
Capital Building, Room 351
Lansing, MI 48909-7514

Representative Hummel,

On behalf of the members of The Shooters Alliance for Firearms Rights (SAFR), I am righting to you today in support of HB 5217 which would protect the confidentiality of both applicants for and holders of Concealed Pistol Licenses (CPL's) in Michigan. In addition, this Bill will specify that an applicant is only required to provide information on prior convictions if that conviction would have bearing on their eligibility for a CPL. SAFR appreciates that you have introduced this bill and fully supports it.

Michigan law provides significant protections for CPL holders from the sort of public disclosure of personal CPL status and personal information that haunts CPL holders in Ohio, Florida and other states. However, HB 5217 would increase the level of confidentiality of applicant information, and further restrict dissemination of information provided on the CPL application and additional information obtained by the county gun board.

Current law exempts "personal identifying information" received by county gun boards, and medical records and psychological records from disclosure under the freedom of information act (FOIA.) MCL 28.425b(1)(c) and (d). However, there is currently no prohibition on the free dissemination of CPL applicant information that is neither medical nor psychological record, nor "personal identifying information." There is also no bar to members of the public and the press obtaining that information via FOIA.

The concealed pistol act does not define "personal identifying information." The term is identified, however, in the identity theft protection act, MCL 445.63, as:

"Personal identifying information" means a name, number, or other information that is used for the purpose of identifying a specific person or providing access to a person's financial accounts, including, but not limited to, a person's name, address, telephone number, driver license or state personal identification card number, social security number, place of employment, employee identification number, employer or taxpayer identification number, government passport number, health insurance identification number, mother's maiden name, demand deposit account number, savings account

number, financial transaction device account number or the person's account password, stock or other security certificate or account number, credit card number, vital record, or medical records or information."

Should this becomes the definition of "personal identifying information" that is applied to the CPL act, then any information that identifies a specific CPL applicant or CPL holder is exempt from FOIA disclosure. However, there is no prohibition against other dissemination of this information by gun boards.

The Michigan State Police (MSP) maintains a database of all CPL applicants, including names, addresses, dates of birth, county of residence, CPL license number and expiration dates, and the basis for denial of those who are denied CPLs. Information in the MSP database is exempt from FOIA disclosure and it is confidential, not disclosed except for CPL licensure and law enforcement purposes. Statistical data, including county-by-county breakdown (which appears in the MSP's annual CPL report) is subject to FOIA. MCL 28.425e.

House Bill 5217 would expand confidentiality protection to all information received by county gun boards, by providing that all information received by the gun board regarding an applicant is exempt from FOIA disclosure, and would also provide that such information is confidential, not to be disclosed except for purposes of the concealed pistol act or law enforcement purposes. The bill, as with current law, provides no sanction for improper disclosure of such information.

Because HB 5217 provides significant confidentiality protection from other disclosure by gun board members and their staffs, SAFR recommends the passage of this Bill.

Sincerely,

Brad Benzing
SAFR Legislative

Chair